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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,901

Applicant(s)

SAITO ET AL.

Examiner

SAHAR A. BAIG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 10/21/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Wang et al. US Patent No. 7,380,262.

Regarding Claim 1 and 5, Yasukawa discloses a program information display device for displaying a scatter diagram **Figure 5A- 5C** by plotting two arbitrary attributes selected by the viewer from at least two attributes relating to a program on the X-axis and Y-axis, and disposing the program information at a position conforming to the related value about the X-axis attribute **103** and the related value about the Y- axis attribute **102**, comprising:

program information storing means [**Figure 1 step 1**];

program information processing means [**Figure 1 step 2**];

program information display means [**Figure 1 step 4**]; and

attribute input means [**Figure 1 step 3**],

wherein the program information storing means stores a related value numerically expressing the degree of relation about at least one program

information and at least two attributes of program information [Col. 10 lines 4-20
*any attribute information can be used as the two-axes attributes including
audience ratings*],

*the attribute input means acquires a first attribute used as X-axis of scatter
diagram and a second attribute used as Y-axis* [Col. 2 lines 21-30],

the program information processing means acquires the first attribute and the
second attribute from the attribute input means, and also acquires the program
information, related value about first attribute and related value about second
attribute from the program information storing means, and the program
information display means acquires the program information, the first attribute,
the second attribute, related value about first attribute and related value about
second attribute from the program information processing means [Col. 2 lines
52-64], plots the first attribute and second attribute on the X-axis and Y-axis of
scatter diagram respectively, and displays the program information at a position
conforming to the related value about the first attribute and the related value
about the second attribute of the scatter diagram **Figure 7**.

Yasukawa fails to explicitly teach the limitation wherein the related value
numerically expresses the degree of relation about at least one program
information and at least two attributes of program information. In an analogous
art, Wang teaches a system for generating a list of suggested scheduled
television programs wherein television schedule guide data comprises

characteristics of scheduled program and relevancy of those characteristics [Col. 3 Lines 60-67].

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Yasukawa and Wang for the benefit of displaying program guide information more efficiently to the consumer.

Regarding Claim 2 and 4, Yasukawa discloses a device wherein the program information display means displays icons and thumbnails, in addition to the program information, in the scatter diagram disposed at a position conforming to the related value about the X-axis and the related value about the Y-axis of the control information [Col. 11 Lines 26-32].

Regarding Claim 3, Yasukawa discloses a display device wherein the attribute is information about program, and this information includes channel, on-air time, genre, and viewing rate [Col. 10 lines 4-20].

Regarding Claim 6 and 11, all the limitations are met as stated above except the limitation involving three attributes instead of two (as claimed in claim 1). In Fig. 21B, Yasukawa shows an information display device capable of displaying three attributes plotted in the scatter diagram. In Fig. 20, Yasukawa shows the steps

necessary to achieve the display.

Regarding Claim 7 and 8, Wang discloses a system wherein the program information number judging means acquires program information from the program information processing means, judges the number of program information items, and sends the judged result to the program information processing means, and the program information processing means acquires the judged result from the program information number judging means, determines the information quantity of program information to be sent to the program information display means on the basis of the judged result, and thereby changes the information quantity displaying the program information depending on the number of program information items displayed in the scatter diagram **[Col 1 lines 59-66]**

3. Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Wang et al. US Patent No. 7,380,262 in further view of Matey U.S. Patent Publication No. 2001/0049823.

Regarding Claims 9 and 10, the combined system of Yasukawa and Wang disclose all of the limitations except the character display size setting means. In an analogous art, Matey discloses an EPG system wherein a user can adjust the display of the EPG on the display screen in different font sizes, or colors etc. **[0012]**. Therefore, it

would have been obvious to include this feature at the time the invention was made for the benefit of facilitating better viewing of the guide data.

4. Claims 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. US Patent No. 7,047,550 in view of Wang et al. US Patent No. 7,380,262 in further view of Bentolila U.S. Patent Publication No. 2003/0101451.

Regarding Claim 12 and 13, the combined system of Yasukawa and Wang meet all of the limitations except the use of virtual channels in the EPG. In an analogous art, Bentolila discloses a system wherein virtual channels are automatically created and are presented as a separate channel in an electronic programming guide (EPG) [0055]. Bentolila also shows that the programs and showing times are placed as the user would more like it satisfying the claim that the channel assigning means determines the virtual channel to be assigned in the ascending order or the descending order from the program information [0459]. Therefore, it would have been obvious to include virtual channels in the EPG display as claimed for the benefit of letting the user decide which program to view.

Regarding Claims 14-18, Official Notice is taken on the limitations wherein the combination of program information and assigned virtual channels (EPG data) is

maintained for a specific time period/or until the power is cut off / or until the program corresponding to the program information is terminated.

Fig 29 of Yasukawa shows Memory means 30 capable of storing the information for a specific time period. It is well known in the art that volatile memory means can only store data until the power is terminated. As for maintaining the program guide information until the program corresponding to the program information is terminated, all EPGs are capable of displaying information about programs that are going to commence immediately and not the programs that just ended broadcasting.

Regarding claim 19, the combined system of Yasukawa, Wang, and Bentolila disclose that it is possible to have included the use of virtual channels in the claimed invention's EPG. It is well known in the art that, in an EPG, a program is displayed for viewing on the display screen once the user has selected it. Therefore it would have been obvious at the time the invention was made to include a virtual channel that could have been selected for viewing once the user specified it for viewing preference.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Marsh US Patent Publication No. 2003/0236708 and Baji et al. US Patent No. 5,027,400.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
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SB